

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7886 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?  
Nos. 1 to 5 No.

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PRESIDENT NAVJIVAN KELAVANI TRUST

Versus

HASMUKBHEN JITENDRABHAI DESAI

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Appearance:

MR PB MAJMUDAR for Petitioners

MRS.SANGEETA PAHWA FOR M/S THAKKAR ASSOC. for Respondent No. 1

SERVED for Respondent No. 2, 3

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CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 16/01/97

ORAL JUDGEMENT

Rule. Mrs.Pahwa waives service of the Rule.

This Special Civil Application is directed against the Gujarat Primary Education Tribunal's order dated 7-10-1996 whereby the suspension order dated 8-7-1996 passed against the present respondent was stayed in the Application No. 396 of 1996. On 17-10-1996 while

issuing Notice this Court had granted Ad-interim relief in terms of para 9(B) staying the execution and implementation of the order at Annexure 'C' dated 7-10-1996 passed by the Tribunal.

When the matter came up before the Court Mr.Majmudar, learned counsel for the petitioner has submitted that even during the period of suspension the petitioner is ready to pay full salary to respondent Mrs.Hasmukhben J.Desai subject to the condition that she does not insist for assignment of actual work during the pendency of the application before the Tribunal with regard to the question of interim relief. Mrs. Pahwa appearing for the concerned teacher i.e. respondent Mrs.Hasmukhben J.Desai agrees to this offer made by Mr.Majmudar. Accordingly, ad-interim order dated 17-10-1996 passed by this Court is hereby vacated and the Rule is made absolute in the terms that the petitioner shall pay full salary to the respondent till the question of interim relief is finally decided by the Education Tribunal in Application No. 396 of 1996 and till then the respondent shall not insist for assignment of the actual work. The Education Tribunal shall decide and pass the final order with regard to the interim relief at the earliest possible opportunity but in no case later than expiry of one month from today and will not be influenced in favour or against any of the parties merely because exparte ad-interim relief has been granted by this Court on 17-10-1996. NNo order as to costs.

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